



PATENT

Case Docket No. DAVI147.001APC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Low, et al.
Appl. No. : 10/009,575
Filed : August 6, 2002
For : A MESSAGE PROCESSING
SYSTEM
Examiner : Unknown
Group Art Unit : 2151

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on
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John M. Carson, Reg. No. 34,303

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Technology Center 2100

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) Petition to Make Special Under 37 C.F.R. §1.102 and M.P.E.P. §708.02(VIII)
- (X) A check in the amount of \$130 to cover the above petition fee is enclosed.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.

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) <u>12/16/02</u>
) (Date)
) John M. Carson, Reg. No. 34,303
)
)

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102 AND M.P.E.P. § 708.02(VIII)

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Technology Center 2100

Dear Sir:

Pursuant to 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(VIII), Applicant hereby petitions to make the above-captioned application (the "Application") special in order to advance its examination in the Patent and Trademark Office. The application has not yet received any examination.

(A) The fee set forth in 37 C.F.R. 1.17(h) is enclosed.

(B) The claim and drawings of the Application are directed to a single invention. Should a restriction requirement be necessary, Applicant respectfully requests that prompt telephone notice be given to Applicant's counsel. In response to a restriction requirement, Applicant agrees to make an election without traverse.

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(C) For the International application (International Application No. PCT/AU00/00454) of this national phase application, the Australian Patent Office conducted an International search in International Classes G06F 15/173, G06F 17/60 and H04L 12/54. A copy of the International Search Report is of record.

(D) Applicant submitted the references cited in the International Search Report in an Information Disclosure Statement dated January 23, 2002. These references are of record and, therefore, not enclosed.

Discussion of the References

(E) Applicant provides the following discussion of the references, which points out with the particularity required under 37 C.F.R. § 1.111(b) and (c) how the claimed subject matter is patentable over the references.

By way of introduction, independent Claim 19 of the Preliminary Amendment dated November 9, 2001 defines a method of handling messages including determining if a message is approved for a recipient of the message, processing the message for subsequent viewing by the recipient if the message is approved, and notifying the recipient and storing the message if the message is unapproved. Independent Claims 29, 30 and 36 also define, among others, the notion of notifying the recipient about an unapproved message.

Japanese patent abstract 11068828 to Masafumi discloses a system that stores identification information, such as an email address to identify a mail sender from which a user does not wish to accept email messages. The system identifies an incoming email as unwanted by matching the sender's address with a stored address. Unwanted emails are deleted, and a message is returned to the sender, indicating that their message was rejected.

This system exemplifies a major disadvantage of the prior art email systems discussed on page 1 of the present specification, namely that a message identified as unwanted is deleted without notifying and providing any opportunity for the designated recipient to review the message in case it contains useful information.

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In contrast, the present invention allows unsolicited messages to be managed, rather than silently deleting them. By storing unapproved messages, and notifying the recipient, the invention alerts the recipient and provides an opportunity to access each potentially unwanted message.

International patent publication WO 99/32985 to McCormick, et al., describes an email filter system where a first filter 12 is used to parse emails to reject messages meeting the conditions of the filter 12, and a second filter 14 is used to maintain names and strings identifying messages the user wishes to receive. Any emails not identified by either of the filters 12, 14 is sent to a “waiting room” 20 for subsequent user review. (E.g., Abstract and page 3, line 34-page 4, line 16.) The publication does not describe a technique for notifying a recipient of receipt of an unapproved message.

International patent publication WO 99/37066 to Paul describes an email filter which operates first on the basis of a user inclusion list to determine whether emails should be marked as “OK.” (E.g., step 410 in Figure 4.) The remaining messages are then subjected to at least a heuristic process to determine if an email can be marked as “NEW.” (E.g., steps 412, 413 in Figure 4.) The remaining messages are marked “JUNK.” (E.g., step 420 in Figure 4.) All of the email messages that have been processed are then displayed according to whether they are OK or new. Emails marked as junk are simply discarded. (E.g., step 422 in Figure 4.) WO 99/37066 does not disclose notifying the recipient and storing a message if the message is unapproved.

International patent publication WO 99/67731 to Horvitz describes a method of filtering email messages using a probabilistic classifier to classify messages into one of a number of different folders for subsequent viewing. Each incoming e-mail message is first analyzed to determine which particularly characteristic of spam the message contains. A feature vector, with one element for each characteristic is produced for each message. The contents of the vector are applied as input to a probabilistic classifier, which generates a continuous probabilistic measure as to whether that message is spam or not. This measure is then compared against a preset threshold value. If, for any message, its associated probabilistic measure equals or exceeds the threshold, then this message is classified as spam and, e.g., stored in a spam folder. Conversely, if the probabilistic measure for this message is less than the threshold, then the message is

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classified as legitimate and hence, e.g., stored in a legitimate mail folder. The contents of the legitimate mail folder are then displayed by a client e-mail program for user selection and review. The contents of the spam folder will only be displayed by the client e-mail program upon a specific user request. (Page 10, line 28 – page 11, line 24.) WO 99/67731 does not disclose notifying the recipient about an unapproved message.

In view of the foregoing discussion, Applicant respectfully submits that the present invention is patentable over the references discussed above. More specifically, Applicant submits that these references fail to disclose or to suggest at least the notion of notifying the recipient about an unapproved message. Accordingly, Applicant respectfully requests expedited allowance of the Application.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP



Dated: 12/16/02

By: _____

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